

PTO/SB/30 (10/2001)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/324,182
Filing Date	06/02/1999
First Named Inventor	Amit R. Shah
Art Unit	1615
Examiner Name	Amy E. Pulliam
Attorney Docket Number	98.21US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR §1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on July 24, 2002
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☒ Other Preliminary Amendment

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.183(c) for a period of _____ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.183(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 05-1320

i. ☒ RCE fee required under 37 CFR §1.17(e) \$740.00

ii. ☒ Extension of time fee (37 CFR §§1.136 and 1.17) \$400.00 (2 mos.)

iii. ☒ Other any additional fees which may be required

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Dorene M. Price	Registration No. (Attorney / Agent)	43,018
Signature	<i>Dorene M. Price</i>	Date	September 23, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark

Name (Print / Type)	Dorene M. Price	Date	September 23, 2002
Signature	<i>Dorene M. Price</i>		

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Attorney Docket No.: 2870/155

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10-1-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shah, et al.

Serial No.: 09/324,182

Group Art Unit: 1615

Filed: June 2, 1999

Examiner: Pulliam, Amy

For: Non-Tacky Mascara Composition

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

The following Preliminary Amendment is submitted as a further response to the Final Office Action dated April 24, 2002, and the Advisory Action dated August 9, 2002. Applicants previously filed, on July 24, 2001, a Response to the Final Office Action, which was considered but not deemed to place the application in condition for allowance. Applicants resubmit the substance of the Response of July 24, 2002 herein, and also are filing concurrently herewith a request for continued examination. In addition, responses to comments made by the Examiner in the Advisory Action are included in the following remarks.

CLEAN AMENDMENTS

Please amend Claims 1, 25, and 30 as follows:

Sub #1
281
1. (Amended) A mascara composition comprising a seedless but otherwise substantially whole processed fruit or vegetable extract of tacky constituents dispersed in a silicone oil.

Sub #2
282
25. (Amended) A mascara composition comprising a seedless but otherwise substantially whole processed fruit or vegetable extract of tacky constituents dispersed in a volatile silicone oil, an antistatic component, a non-plant fiber component, and said whole processed fruit or vegetable extract comprising a natural fiber component.